

FEDERAL SUBSISTENCE BOARD

WORK SESSION MEETING

TELECONFERENCE - ALASKA
JULY 16, 2020

MEMBERS PRESENT:

Anthony Christianson, Chairman
Rhonda Pitka, Public Member
Chad Padgett, Bureau of Land Management
Greg Siekaniec, U.S. Fish and Wildlife Service
Donald Striker, National Park Service
Gene Peltola, Bureau of Indian Affairs
David Schmid, U.S. Forest Service

Ken Lord, Solicitor's Office

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P R O C E E D I N G S

(Teleconference - 7/16/2020)

(On record)

(Operator instructions)

CHAIRMAN CHRISTIANSON: Thank you, Operator. Welcome everybody to this Thursday, July 16th work session for the Federal Subsistence Board, and I thank everybody for taking their time to call in and work on these special actions that we have before us today.

With that, you know, we, prior to the meeting had executive session and just were looking at, you know, just getting a brief overview of some legal issues that -- to brief us and give us a short update because some of us are all new Board members and just to make sure that we're all on the same page as we look at our agenda before us and start to make actions, and so I appreciated that session there.

So with that I'm going to go ahead and open up the floor to review and adopt the agenda.

MS. DETWILER: Mr. Chair, this is Sue. Do you want me to quickly go over what's in the agenda?

CHAIRMAN CHRISTIANSON: Yeah, Sue, if you wouldn't mind, you can go ahead and just review the agenda and then after we do review the agenda there we can entertain a motion to adopt.

MS. DETWILER: Okay, thank you. So today's agenda we have five special actions and the order that they're currently on the agenda, I will go -- just briefly touch on each of those.

The first one is Wildlife Special Action 20-05 pertaining to moose in Unit 18.

Next agenda item is Wildlife Special Action 20-04 pertaining to caribou in Units 9, 17, 18 and 19.

Next is Wildlife Special Action 20-01 pertaining to caribou in Unit 13.

1 MS. DETWILER: Okay.

2
3 Anthony Christianson, Chair.

4
5 CHAIRMAN CHRISTIANSON: Yes, I support
6 as stated.

7
8 MS. DETWILER: Okay. Motion passes
9 seven to zero.

10
11 And that will bring us to Wildlife
12 Special Action 20-03 pertaining to moose and caribou in
13 Unit 13 and, again, that's Lisa Maas.

14
15 CHAIRMAN CHRISTIANSON: We'll call on
16 Lisa to provide the analysis, thank you.

17
18 MS. MAAS: All right, thank you, Mr.
19 Chair. Again, for the record my name is Lisa Maas and
20 I'll be presenting a summary of the analysis for
21 Temporary Wildlife Special Action WSA20-03.

22
23 WSA20-03 was submitted by Kirk Wilson
24 of Glennallen and requests that the Federal Subsistence
25 Board close Federal public lands in Unit 13 to the
26 hunting of moose and caribou by non-Federally-qualified
27 users for the 2020/21 season.

28
29 The proponent states that this closures
30 is necessary due to extreme hunting competition from
31 high numbers of non-Federally-qualified users which
32 precludes a rural subsistence priority and results in
33 low harvest success by Federally-qualified subsistence
34 users. Because of this, the proponent states: action
35 is necessary to ensure the continuation of Federal
36 subsistence uses of moose and caribou in Unit 13 and
37 for reasons of public safety because there are too many
38 non-Federally-qualified users to safely hunt and pass
39 on customary and traditional harvest practices.

40
41 The proponent further states that this
42 request could serve as an experiment to evaluate the
43 potential of a Federal lands closure as a long-term
44 solution to increasing harvest success rates and
45 providing for the subsistence uses of Federally-
46 qualified subsistence users.

47
48 In 2002 the Board rejected Proposal
49 WP02-17 which requested closure of Federal lands in

50

1 Units 13A and 13B to moose and caribou hunting by non-
2 Federally-qualified users. The Board, Southcentral
3 Regional Advisory Council, InterAgency Staff Committee
4 and the Alaska Department of Fish and Game all opposed
5 this closure because it would not result in
6 conservation benefit due to the limited amount of
7 Federal public land in Unit 13 because additional
8 opportunity existed for Federal subsistence users to
9 hunt on Federal public lands after the State season
10 closed and because of the more liberal Federal harvest
11 limit and longer season.

12
13 In 2019 the Board rejected Temporary
14 Wildlife Special Action WSA19-03 which requested
15 closure of the Federal public land in Unit 13 to
16 caribou and moose hunting by non-Federally-qualified
17 users for the 2019/20 season. The Board determined the
18 requested closure was not warranted for conservation,
19 continuation of subsistence uses or safety reasons.
20 Federally-qualified subsistence users annual harvest
21 rates have remained fairly consistent in comparison to
22 the annual harvest rates by non-Federally-qualified
23 users. In addition the closure would not have
24 alleviated public safety concerns as non-Federally-
25 qualified users would still have been able to cross
26 Federal public lands to access State and private lands.

27
28 In September of 2019, ADF&G issued an
29 emergency order to extend the closing date for all
30 State caribou hunts in Unit 13 by 10 days to September
31 30th to help reduce the size of the Nelchina Herd.

32
33 Resident Hunters of Alaska submitted
34 written comments in opposition of WSA20-03 stating the
35 closure is not needed because the Nelchina is above
36 population objectives, additional harvest is needed and
37 ample opportunity exists for all hunters. A member of
38 the public also submitted written comments in
39 opposition to the request stating that public lands are
40 for all members of the public, not just some, and
41 plenty of hunting opportunity already exists. ADF&G
42 submitted written comments on WSA20-03 stating no
43 conservation concerns exists for either moose or
44 caribou in Unit 13 and hunting pressure has not been
45 shown to displace moose or caribou from traditional
46 migration corridors. ADF&G further commented that a
47 closure would not likely affect hunting success of
48 Federally-qualified users or address public safety
49 concerns.

1 During the public hearing for WSA20-03
2 13 people testified, five in opposition, and seven in
3 support. Opposition to the request included a lack of
4 need because no conservation concerns exist and that
5 public lands should be open to everyone. Several
6 supporters of the request referenced Title VIII of
7 ANILCA calling for a rural subsistence priority. One
8 testifier pointed out that ADF&G has extended the
9 State's fall caribou season in recent years precluding
10 a rural priority from a longer fall season. Other
11 testifiers mentioned that Federal lands in Unit 13 only
12 compromise a small portion of the unit and State
13 hunters have plenty of other areas to hunt while other
14 Federal lands in the area are difficult to access.
15 Another testifier stated that law enforcement was a
16 major reason the Board rejected WSA19-03, however,
17 enforcement is an agency issue and not a reason for the
18 Board to reject or approve a request under ANILCA.

19
20 The proponent of this request testified
21 that the influx of caribou hunters during moose season
22 takes away moose hunting opportunity from Federally-
23 qualified subsistence users. He further stated that
24 the area is too crowded to safely hunt as people aim
25 guns at one another and shoot over people's heads.

26
27 Several other testifiers echoed these
28 safety and overcrowding concerns. One stated he no
29 longer hunts in the area because of the terrible
30 overcrowding.

31
32 The relevant caribou biology was just
33 presented as part of WSA20-01 so I will move on to
34 moose.

35
36 Moose populations in Unit 13 have grown
37 since 2001. Since 2008 the Unit 13 moose population
38 has been within State management objectives. In 2019
39 the unit-wide population estimate was 19,000 moose.
40 However, the Unit 13 moose population dropped below
41 subunit population objectives in 2013 where it has
42 remained. Fall bull/cow ratios have been above State
43 management objectives since 2004, however, the lowest
44 bull/cow ratios have been found in the most accessible
45 portions of each subunit. Calf/cow ratios have been
46 below State management objectives since 2001 only
47 averaging 20 calves per 100 cows, however, despite
48 these low ratios population estimates demonstrate a
49 gradually increasing population trend.

Conflicts between local and non-local hunters has been a longstanding issue in Unit 13.

In 2009 to 2013 household surveys, almost every Unit 13 community noted concern over non-local hunters stating that non-local hunters who have lots of expensive equipment were out competing local hunters and driving game away. Public testimony in support of WSA19-03 included many concerns over intense hunting pressure, unsafe hunting conditions, over crowding, deflection of game and increased difficulty for Federally-qualified subsistence users to harvest both moose and caribou in Unit 13. Testimony in opposition to WSA19-03 also noted safety concerns but included solutions other than closures, such as limiting permit numbers, restricting shooting within a quarter mile of the road, increased law enforcement and public education.

During the Board's deliberation on WSA19-03 five people testified in support of the request and all testimony focused comments on the BLM lands on the Richardson Highway around Paxon describing this area as a combat hunting zone.

Most of the relevant caribou harvest was just shared during WSA20-01 presentation, however, I will also add that between 2001 and 2018 harvest success rates for the Federal caribou hunt showed substantial annual variation but only a very slight decreasing trend. Between 2001 and 2009 success rates averaged 31 percent, while between 2010 and 2018 success rates averaged 28 percent. Federally-qualified subsistence users can also hunt under State regulations. According to ADF&G success rates for Federally-qualified users hunting under State regulations from 2001 to 2016 averaged 38 percent compared with a 58 percent success rate for non-Federally-qualified users during this time period.

Moving on to moose harvest.

Similar to caribou, Unit 13 is a popular place to moose hunt due to its road accessibility. While Federal seasons open August 1st, whereas State seasons open September 1st, most moose are harvested in mid-September when bulls are more susceptible to harvest. Between 2006 and 2018 an average of 930 moose were reported harvested each year.

1 Over the same time period an average of 4,700 people
2 hunted under State regulations each year with a 17
3 percent success rate, while an average of 600 people
4 hunted under Federal regulations each year with an 11
5 percent success rate. Most moose harvest on Federal
6 lands occurs in Unit 13B.

7
8 If this request is approved, Federal
9 public lands in Unit 13 will be closed to moose and
10 caribou hunting by non-Federally-qualified users for
11 the 2020/21 regulatory year. While Federal public
12 lands comprise 12.4 percent of Unit 13, the BLM lands
13 in Units 13A and 13B, which only comprise 2.7 percent
14 of the unit are the focus of the immense hunting
15 competition, overcrowding, user conflict and safety
16 concerns. Therefore, the effects of this request will
17 focus on these BLM lands. According to ANILCA, Section
18 .815(3) Federal public lands may be closed to non-
19 subsistence uses only when necessary for the
20 conservation of healthy wildlife populations, to
21 continue subsistence uses of such population or for
22 reasons set forth in Section .816, which includes for
23 reasons of public safety.

24
25 Closures for conservation is not
26 warranted as moose and caribou populations are within
27 or above management objectives. The effectiveness of
28 the closure for the continuation of subsistence uses of
29 caribou is uncertain as caribou harvest is primarily
30 related to availability and caribou have not been
31 available on Federal public lands in recent years.
32 However, as most caribou harvest occurs under State
33 regulations and caribou in Unit 13 experience extremely
34 heavy hunting pressure, a closure may reduce
35 competition and limit disruption to caribou movements
36 which may increase hunting opportunity and harvest
37 success by Federally-qualified subsistence users.

38
39 Closure for continuation of subsistence
40 uses of moose may be warranted. Harvest success rates
41 are lower under Federal regulations than under State
42 regulations. A closure may reduce competition from
43 non-Federally-qualified users, increasing hunting
44 opportunity and harvest success of Federally-qualified
45 subsistence users.

46
47 Closure for reasons of public safety
48 may be warranted. Safety concerns resulting from
49 intense hunting pressure, overcrowding, disruption of

1 hunts, and unsafe shooting practices have been
2 repeatedly stated by all user groups. While these
3 concerns may be better addressed through increased law
4 enforcement or restrictions along road sides, these
5 options have not been implemented and are outside of
6 the Board's authority. These safety concerns have been
7 an issue for decades and have resulted in displacement
8 of Federally-qualified subsistence users who do not
9 feel safe hunting in the area.

10
11 The OSM conclusion is to support
12 Temporary Special Action WSA20-03 with modification to
13 close Federal public lands to moose and caribou hunting
14 by non-Federally-qualified users in Units 13A and 13B
15 only for the 2020/22 regulatory cycle. Extending this
16 request to the 2021/22 regulatory year will reduce the
17 administrative burden associated with processing
18 special action requests. A proposal for this closure
19 could not take effect until July 1st, 2022, and that
20 this has been an issue for decades, no change in the
21 situation are expected between this year and next year.

22
23 Thank you, Mr. Chair.

24
25 I'd be happy to answer any questions.

26
27 CHAIRMAN CHRISTIANSON: Thank you for
28 the analysis, Lisa. Any questions for Lisa.

29
30 MR. PELTOLA: Mr. Chair, BIA.

31
32 CHAIRMAN CHRISTIANSON: You have the
33 floor.

34
35 MR. PELTOLA: Thank you, Mr. Chair.
36 So, Lisa, I was looking back through the analysis for
37 our previous special action that the Board addressed
38 and going to this one and I couldn't find anything in
39 the analysis for this so I was wondering if you could
40 answer some questions for me.

41
42 With regard to caribou harvest in GMU
43 23, if I look at the State reg books it says we have
44 RC561, RC562, we have a community harvest system CC001
45 permit that we have a drawing, VC485, could you tell me
46 how many permits have been issued for caribou under
47 those various scenarios?

48
49 MS. MAAS: Gene, I don't think I --

1 hold on, I don't think I have that information offhand,
2 like just by permit, so under Federal -- I mean Federal
3 harvest is by FC1302.

4

5 MR. PELTOLA: Correct.

6

7 MS. MAAS: And so I can give you
8 numbers for Federal harvest under FC1302 and then I can
9 give you numbers for like total state harvest, but I
10 don't have numbers, you know, offhand for different
11 State hunts.

12

13 MR. PELTOLA: So what I was looking at
14 was that so during the analysis you gave the history
15 about -- I'm sorry, you gave the history of GMU13,
16 sorry about that, and then part of that history was the
17 Board addressed a similar proposal 19-03 which was
18 rejected by the Board, so over the years the Board has
19 been exposed to heavy competition, and heavy
20 competition can be reflective of then, because this is
21 a regular -- a permit hunt in different capacities, the
22 competition could be regulated or addressed via permit
23 issuance, if there is a perception of, or realized
24 heavy competition, then a reduction of permits could be
25 utilized to reduce that potential competition. Safety
26 per the terms, the place is flooded, a lot of
27 competition, people aren't hunting there because
28 there's so many people, a safety aspect could be
29 addressed by a reduction in permits. So what I'm
30 trying to get at is there are permits issued for this
31 hunt in GMU13 from the Federal program and the State
32 program, so I was trying to find something with regard
33 to how many permits are issued in the Federal program
34 and the State program to see if there's actually been a
35 reduction in permits, therefore, a potential reduction
36 in the competition or safety concern. And the reason I
37 ask that is in the State's correspondence in the
38 previous, in the May 20th letter from the Department,
39 under Unit 13 caribou hunt structure for regulatory 18
40 -- RC561 had 4,586 permits, a quota of 500; RC562 had
41 4,181 permits, a quota of 500, CC01 had 838 permits for
42 a quota of 400, VC45 had 5,000 permits for a quota of
43 250.

44

45 And so I was, you know, quickly adding
46 up, that's eight, nine, 14, 17 -- roughly 17,000
47 permits issued so I was just trying to see if the trend
48 had been increasing, decreasing, or remaining the same
49 with regard to those permit issuances.

50

1 Thank you much.

2
3 Mr. Chair.

4
5 MS. MAAS: Through the Chair. I can
6 give you numbers of hunters, which is kind of a
7 reflection on numbers of permits and, I mean, you may
8 be aware that the RC permits, I mean they are a
9 registration permit but there's some limitations on
10 there like if you get that permit through the State you
11 can only hunt caribou in Unit 13 and nowhere else in
12 the state, whereas, if you get that draw permit you can
13 hunt caribou in Unit 13 and anywhere else. So it's
14 just, you know, kind of a benefit, you know, if people
15 are able to get that draw permit, it gives them more
16 flexibility and opportunity.

17
18 So for the Federal caribou hunt, hunter
19 numbers has only slightly increased. Between 2001 and
20 2009, the number of hunters under Federal regulations
21 was 1,322 and between 2010 and 2018 hunter numbers
22 averaged 1,469 hunters. So that was just a slight
23 increase under Federal regulations.

24
25 And then, again, I mean State -- yeah,
26 I could probably get you the State hunter numbers but
27 it's going to take me a moment.

28
29 MR. PELTOLA: Yeah, Mr. Chair, if I
30 may, BIA again. Under that same letter dated May 20th,
31 2020, under GMU13, at least regard to regulatory 18,
32 for those hunts I cited a number of permits issued,
33 they also have number of hunted permits and that's kind
34 of reflective of, you know, those that received a
35 permit, did not hunt, so RC561 is 1,7(indiscernible)
36 hunted, RC562 is 2,080 hunted, CC001 was 376 hunted,
37 VC45 was 1,233 and so that comes up with a total just
38 shy of 5,500 hunters.

39
40 Thank you, Mr. Chair.

41
42 CHAIRMAN CHRISTIANSON: Any other
43 questions for the Staff.

44
45 MR. SIEKANIEC: Mr. Chair, this is
46 Greg.

47
48 CHAIRMAN CHRISTIANSON: Greg, go ahead.

49

50

1 MR. PADGETT: The proponents primary
2 rationale for submitting this request was for
3 experimental reasons to evaluate if harvest success
4 rates of Federally-qualified subsistence users would
5 improve, which is outside of the scope of this Board's
6 regulatory authority. The closure was not shown to be
7 necessary for the continuation of subsistence uses of
8 moose and caribou populations. Annual harvest rates of
9 Federally-qualified subsistence users have remained
10 fairly consistent and the low Federal harvest in 2019
11 was more a function of lack of availability of caribou
12 during the harvest period, rather than the interference
13 from non-Federally-qualified users, however, many
14 Federally-qualified subsistence users do feel displaced
15 by the influx of non-local hunters into the area.

16
17 The closure is also not necessary for
18 reasons of public safety. Such a closure would only
19 serve to shift where non-local hunters would go to
20 harvest animals. The OSM analysis indicates that such
21 a shift may, in fact, serve to further disrupt hunting
22 by Federally-qualified subsistence users and such a
23 closure would not prevent non-Federally-qualified users
24 from accessing BLM lands in order to travel from the
25 road to State-managed lands. It could also concentrate
26 non-local hunters along road accessible, State-managed
27 lands, which may increase safety concerns in those
28 areas. This, coupled with the complex and ill-defined
29 boundaries between State and Federal lands in Unit 13
30 make navigating such a closure difficult at best.

31
32 Additionally, issues related to unsafe
33 shooting practices and other user conflicts are best
34 addressed by law enforcement.

35
36 As indicated in the OSM analysis, this
37 closure is also not necessary for the conservation of
38 healthy populations of moose or caribou in Unit 13 as
39 population estimates for both species meet State
40 management objectives. While bull, cow and calf/cow
41 ratios for caribou have fluctuated over time, long-term
42 averages for both indicate that the Nelchina Caribou
43 Herd is healthy and can sustain the current level of
44 harvest. In addition, both caribou and moose
45 populations are routinely monitored and the data
46 gathered is used to inform management plans and
47 establish sustainable harvest guidelines.

48
49 Last year this Board opposed a similar

Changes in Caribou Hunting Regulations in Unit 23

Frequently Asked Questions on Closure of Federal Public Lands to Non-Federally Qualified Users

Important July 2017 Update

There has been an important change in the closure of federal public lands in Game Management Unit 23 to non-federally qualified users. Last year (2016-17) all federal public lands in this unit were closed to caribou hunting by non-federally qualified users. This year (2017-18) only some federal public lands are closed to non-federally qualified users (see map on following page). This is the result of the Federal Subsistence Board's decision on a request submitted by the Northwest Arctic Subsistence Regional Advisory Council.



This fact sheet answers common questions about this closure. The main highlights are:

- **The closure for 2017-18 is different than in 2016-17: This year only SOME of the Federal public lands in Game Management Unit 23 are closed to caribou hunting by “non-Federally qualified users.”**
 - The following page describes the area affected by the closure for 2017-18, which we will refer to as the “closure area,” including the Squirrel, Eli and Agashashok (Aggie) River drainages and parts of the Noatak River.
- Only “Federally qualified users” are allowed to hunt caribou on Federal public lands in the closure area (see #2 and #3 below).
- “Federal public lands” in the closure area are lands and waters managed by the National Park Service and Bureau of Land Management.
 - State and private lands, including Alaska Native corporation lands (e.g. NANA and KIC lands) are NOT subject to this closure.
 - Federal public lands outside the closure area are NOT subject to the closure.
- This closure ONLY applies to caribou hunting, not hunting for other animals such as moose, bear, etc.
- This closure is in effect for one regulatory year (July 1, 2017 through June 30, 2018).

For more information, please contact the appropriate land manager below:

National Park Service	U.S. Fish & Wildlife Service	Bureau of Land Management
Maija Lukin Superintendent (907) 442-3890 maiya_lukin@nps.gov	Susan Georgette Refuge Manager (907) 442-3799 susan_georgette@fws.gov	Bruce Seppi Biologist (907) 267-1282 bseppi@blm.gov

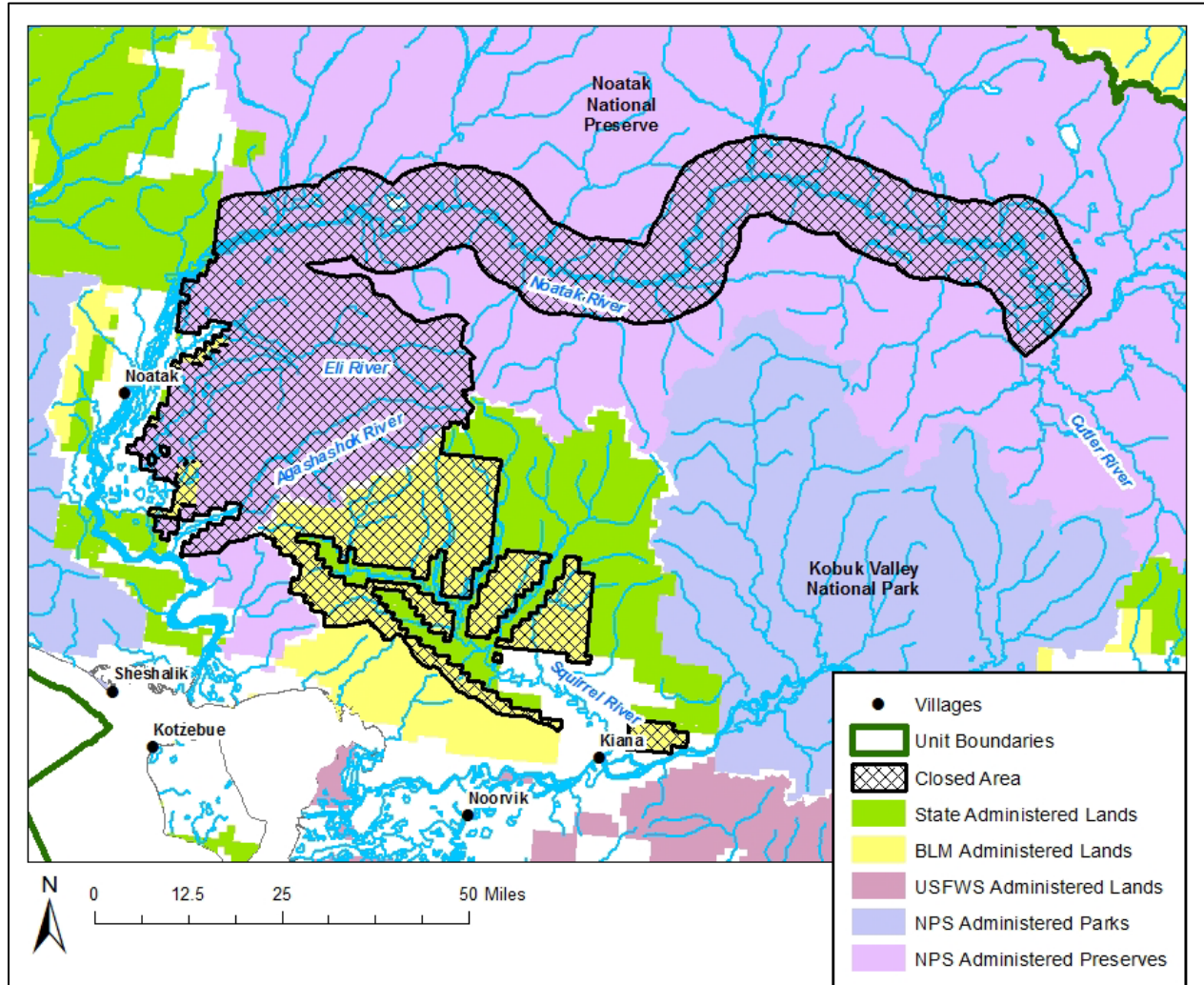
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1. Where does the 2017-18 Federal closure apply?

The Federal Subsistence Board has enacted a temporary closure for a limited area of Unit 23. The closed area covers Federal public lands within the Squirrel, Eli, and Agashashok (Aggie) River drainages, and within a 10 mile wide corridor (5 miles either side) along the Noatak River from the western boundary of Noatak National Preserve upstream to the confluence with the Cutler River. The closure restricts caribou hunting by non-Federally qualified users, but allows subsistence hunting by Federally qualified subsistence users for the July 1, 2017 – June 30, 2018 regulatory year.

The closure area is shown in the map below with a black outline and black crosshatching lines.



2. Who is eligible to hunt caribou on federal public lands in Unit 23?

Beginning July 1, 2017, ONLY “Federally qualified users” are eligible to hunt caribou on Federal public lands in the closure area. “Federally qualified users” are rural residents who have been determined by the Federal Subsistence Board to have a customary and traditional use of caribou in Unit 23 (see #3 for more information).

Other Federal public lands in Unit 23 outside the closure area are open to caribou hunting as they would generally be under State hunting regulations; however, National Park Service lands have additional restrictions on eligibility to hunt on Cape Krusenstern National Monument, Kobuk Valley National Park and Gates of the Arctic National Park (see #3 below for more information).

3. Who is a “Federally qualified user” for caribou in Unit 23?

You must have your primary, permanent place of residence in one of the following units or communities to be a “Federally qualified user” eligible to hunt caribou on Federal public lands in the closure area in Unit 23:

Eligible Game Management Units	This includes but is not limited to these communities:
Unit 21D (west of the Koyukuk and Yukon Rivers and Galena)	Galena, Kaltag, Koyukuk, and Nulato
Unit 22	Brevig Mission, Council, Elim, Gambell, Golovin, Koyuk, Little Diomed, Nome, Saint Michael, Savoonga, Shaktoolik, Shishmaref, Stebbins, Teller, Unalakleet, Wales, and White Mountain
Unit 23	Ambler, Buckland, Deering, Kiana, Kivalina, Kobuk, Kotzebue, Noatak, Noorvik, Point Hope, Selawik, and Shungnak
Unit 24 (including residents of Wiseman but not including other residents of the Dalton Highway Corridor Management Area)	Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Hughes, Huslia, Wiseman
Unit 26A	Atkasuk, Barrow, Nuiqsut, Point Lay, and Wainwright

Anyone permanently residing in a Game Management Unit NOT on this list, including areas such as Anchorage, Fairbanks, Mat-Su Valley, Kenai, etc., is a “non-Federally qualified user” and is NOT eligible to hunt caribou on Federal public lands in the closure area during 2017-18. This includes former residents (both Alaska Native and non-Native) of the units listed above, even if they grew up in those units. Non-Federally qualified users may still hunt caribou in Unit 23 on some Federal public lands outside the closure area (see NPS info below), and on State-managed lands and private lands.

IMPORTANT NOTE: The National Park Service has additional restrictions on who can hunt for any species in Cape Krusenstern National Monument, Kobuk Valley National Park, and Gates of the Arctic National Park. These areas are open ONLY to subsistence hunters who reside in “resident zone communities.” For Cape Krusenstern National Monument and Kobuk Valley National Park, “resident zone communities” include all communities within the NANA region. For Gates of the Arctic National Park, “resident zone communities” include the communities of Ambler, Kobuk, Shungnak, Anaktuvuk Pass, Nuiqsut, Wiseman, Bettles/Evansville, Alatna, Allakaket, and Hughes.

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4. What are "Federal public lands?"

This closure applies to "Federal public lands" within the closure area described in #1. Under Federal law, Federal public lands in the closure area include all Federal land, and **all waters** within and adjacent to the external boundaries of Noatak National Preserve. On Bureau of Land Management (BLM) lands, the closure applies to BLM lands and to non-navigable waters adjacent to BLM lands. Please see the map on page 2 for general location of Federal public lands in the closure area; contact the respective land manager for information about specific areas.

5. How long will this closure be in effect?

Unless rescinded earlier, this closure of caribou hunting to non-Federally qualified users is in effect for one regulatory year beginning July 1, 2017 through June 30, 2018.

6. If I am NOT eligible to hunt caribou, can I help someone who is eligible?

If you are not eligible to hunt caribou, you can be present but CANNOT participate in the taking of caribou on Federal public lands in the closure area. Once the take is complete, you may assist the hunter with the cleaning, salvage, or processing of a legally harvested animal. Please see the definitions section at the end of this fact sheet for the definition of "taking" or consult with the appropriate Federal land manager.

7. If I'm eligible to hunt, can I send or give caribou to people not eligible to hunt?

Yes. You can share legally taken caribou with whoever you want.

8. Can a non-Federally qualified user take caribou from a boat or while caribou are swimming?

A non-Federally qualified user CANNOT take caribou in or from the water in closed portions of Noatak National Preserve, where rivers and water bodies are subject to Federal subsistence regulations (see #4). These waters are considered "Federal public lands" and are closed to the taking of caribou beginning July 1, 2017 by non-Federally qualified users.

The regulations are different for Bureau of Land Management (BLM) lands. The closure applies to BLM lands and to non-navigable waters adjacent to BLM lands. In areas generally under BLM management, such as the Squirrel River drainage, rivers or water bodies adjacent to lands owned or selected by the State of Alaska or Alaska Native corporations or other private lands are not subject to this closure. This includes much of the lower Squirrel River corridor. This means that non-Federally qualified users are not prohibited from hunting swimming caribou in waters adjacent to State or Alaska Native corporation lands in the Squirrel River area, if they otherwise would be allowed to do so. Please contact BLM for more details.

9. Can a non-Federally qualified user take caribou on gravel bars along navigable waters below the "ordinary high water mark" when the adjacent uplands are Federal public lands?

When the adjacent uplands are Federal public lands, the strip of land—often a gravel or mud bar—between the edge of a river and the "ordinary high water mark" is open in some areas to caribou

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hunting by non-Federally qualified users. For the 2017-18 closure area, non-Federally qualified users are allowed to hunt caribou between the edge of a river and the ordinary high water mark along navigable waters in Noatak National Preserve and on BLM lands.

PLEASE NOTE: While non-Federally qualified users are allowed to hunt caribou between the edge of a river and the ordinary high water mark, both the hunter AND the caribou must be *above* the actual water line but *below* the mean high water mark for the harvest to be legal. **Hunters are strongly urged to use caution and extremely good judgment if hunting in this narrow strip of land to avoid the risk of violating the law.**

10. How do I know where the "ordinary high water mark" is?

In the field, the "ordinary high water mark" generally means where vegetation starts along a water body. The technical definition of ordinary high water mark is defined at the end of this fact sheet.

11. Can a non-Federally qualified user who legally takes a caribou below the ordinary high water mark bring their game back to a camp on Federal public lands above the ordinary high water mark?

Yes, but the hunter should have proof that the caribou was taken below the ordinary high water mark. A cell phone photo of the kill site is one way to do this.

DEFINITIONS

Family means all persons related by blood, marriage, or adoption or any other person living within the household on a permanent basis (from 50 CFR 100.4).

Take or taking as used with respect to fish or wildlife, means to pursue, hunt, shoot, trap, net, capture, collect, kill, harm, or attempt to engage in any such conduct (from 50 CFR 100.4).

The **ordinary high water mark** on a non-tidal river is the line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impression on the bank; shelving; changes in the character of soil; destruction of terrestrial vegetation; the presence of litter and debris; or other appropriate means that consider the characteristics of the surrounding areas [from 33 CFR 329.11(a)(1)].



From: Maas, Lisa <Lisa_Maas@fws.gov>

Sent: Friday, July 31, 2020 4:08 PM

To: Mulligan, Benjamin J (DFG) <ben.mulligan@alaska.gov>

Cc: Burch, Mark E (DFG) <mark.burch@alaska.gov>; Pappas, George E <george_pappas@fws.gov>

Subject: Re: [EXTERNAL] FW: News Release: Changes in Federal Moose and Caribou Hunting Regulations in Unit 13: Frequently asked questions on closure of Federal public lands to non-Federally qualified users

Hi Ben,

The actual "water" parts of the rivers is considered Federal public lands.

You may recall (or maybe this was before your time?), but that question was addressed in the FAQ factsheet for the Unit 23 caribou closure (see attached) and went through alot of review by LE, federal agency staff and the solicitor.

The answer in the Unit 13 factsheet was taken almost verbatim from the Unit 23 factsheet.

According to 50 CFR 100.4, "**Federal lands** means lands and waters and interests therein the title to which is in the United States, **including navigable and non-navigable waters** in which the United States has reserved water rights."

According to 50 CFR 100.3(c), "The regulations contained in this part apply on all public lands, excluding marine waters, but including **all inland waters, both navigable and non-navigable, within and adjacent to the exterior boundaries** of the following areas:

(30) All components of the Wild and Scenic River System located outside the boundaries of National Parks, National Preserves, or National Wildlife Refuges, including segments of the Alagnak River, Beaver Creek, Birch Creek, **Delta River**, Fortymile River, **Gulkana River**, and Unalakleet River.

Hope this helps,

Lisa

~~~~~  
Lisa Maas

Acting Policy Coordinator/Wildlife Biologist

Office of Subsistence Management

U.S. Fish and Wildlife Service

Anchorage, AK

907-786-3357

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**From:** Mulligan, Benjamin J (DFG) <[ben.mulligan@alaska.gov](mailto:ben.mulligan@alaska.gov)>

**Sent:** Friday, July 31, 2020 3:24 PM

**To:** Maas, Lisa <[Lisa\\_Maas@fws.gov](mailto:Lisa_Maas@fws.gov)>

**Cc:** mark.burch <[mark.burch@alaska.gov](mailto:mark.burch@alaska.gov)>; Pappas, George E <[george\\_pappas@fws.gov](mailto:george_pappas@fws.gov)>

**Subject:** [EXTERNAL] FW: News Release: Changes in Federal Moose and Caribou Hunting Regulations in Unit 13: Frequently asked questions on closure of Federal public lands to non-Federally qualified users

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Lisa,

Since you're the contact on the FAQs I felt comfortable contacting you directly as long as I copied George.

In the FAQs under #5 it talks about the distinction of a non-federally qualified hunter being able to hunt only between the edge of the water and the ordinary high water mark and I'm wondering why that distinction? Why couldn't a non-federally qualified user take a moose or caribou that was standing in the water?

Thanks,

Ben

-----Original Message-----

From: fws-fsb-subsistence <[fws-fsb-subsistence-bounces@lists.fws.gov](mailto:fws-fsb-subsistence-bounces@lists.fws.gov)> On Behalf Of Federal Subsistence News

Sent: Friday, July 31, 2020 12:02 PM

To: FW7 Subsistence <[FW7\\_Subsistence@fws.gov](mailto:FW7_Subsistence@fws.gov)>

Cc: Clark, Karen <[karen\\_clark@fws.gov](mailto:karen_clark@fws.gov)>; Boario, Sara D <[sara\\_boario@fws.gov](mailto:sara_boario@fws.gov)>

Subject: Subsistence: News Release: Changes in Federal Moose and Caribou Hunting Regulations in Unit 13: Frequently asked questions on closure of Federal public lands to non-Federally qualified users

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Federal Subsistence Board listserver

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[https://urldefense.com/v3/\\_\\_http://www.doi.gov/subsistence/index.cfm\\_\\_;!!J2\\_8gdp6gZO!4o5Fhq\\_gq1CCrV0xJucXqzFXLB4-JsiIWM3X3g-6BY7SCogACfLEkyQr37z9g36Ke9-iTg\\$](https://urldefense.com/v3/__http://www.doi.gov/subsistence/index.cfm__;!!J2_8gdp6gZO!4o5Fhq_gq1CCrV0xJucXqzFXLB4-JsiIWM3X3g-6BY7SCogACfLEkyQr37z9g36Ke9-iTg$)

For further information about a news release or event, call the phone number or email the contact listed in the news release.

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# Changes in Caribou Hunting Regulations in Unit 23

## Frequently Asked Questions on Closure of Federal Public Lands to Non-Federally Qualified Users

### Important July 2017 Update

There has been an important change in the closure of federal public lands in Game Management Unit 23 to non-federally qualified users. Last year (2016-17) all federal public lands in this unit were closed to caribou hunting by non-federally qualified users. This year (2017-18) only some federal public lands are closed to non-federally qualified users (see map on following page). This is the result of the Federal Subsistence Board's decision on a request submitted by the Northwest Arctic Subsistence Regional Advisory Council.



This fact sheet answers common questions about this closure. The main highlights are:

- **The closure for 2017-18 is different than in 2016-17: This year only SOME of the Federal public lands in Game Management Unit 23 are closed to caribou hunting by “non-Federally qualified users.”**
  - The following page describes the area affected by the closure for 2017-18, which we will refer to as the “closure area,” including the Squirrel, Eli and Agashashok (Aggie) River drainages and parts of the Noatak River.
- Only “Federally qualified users” are allowed to hunt caribou on Federal public lands in the closure area (see #2 and #3 below).
- “Federal public lands” in the closure area are lands and waters managed by the National Park Service and Bureau of Land Management.
  - State and private lands, including Alaska Native corporation lands (e.g. NANA and KIC lands) are NOT subject to this closure.
  - Federal public lands outside the closure area are NOT subject to the closure.
- This closure ONLY applies to caribou hunting, not hunting for other animals such as moose, bear, etc.
- This closure is in effect for one regulatory year (July 1, 2017 through June 30, 2018).

For more information, please contact the appropriate land manager below:

| National Park Service                                                  | U.S. Fish & Wildlife Service                                                   | Bureau of Land Management                                    |
|------------------------------------------------------------------------|--------------------------------------------------------------------------------|--------------------------------------------------------------|
| Maija Lukin<br>Superintendent<br>(907) 442-3890<br>maiya_lukin@nps.gov | Susan Georgette<br>Refuge Manager<br>(907) 442-3799<br>susan_georgette@fws.gov | Bruce Seppi<br>Biologist<br>(907) 267-1282<br>bseppi@blm.gov |

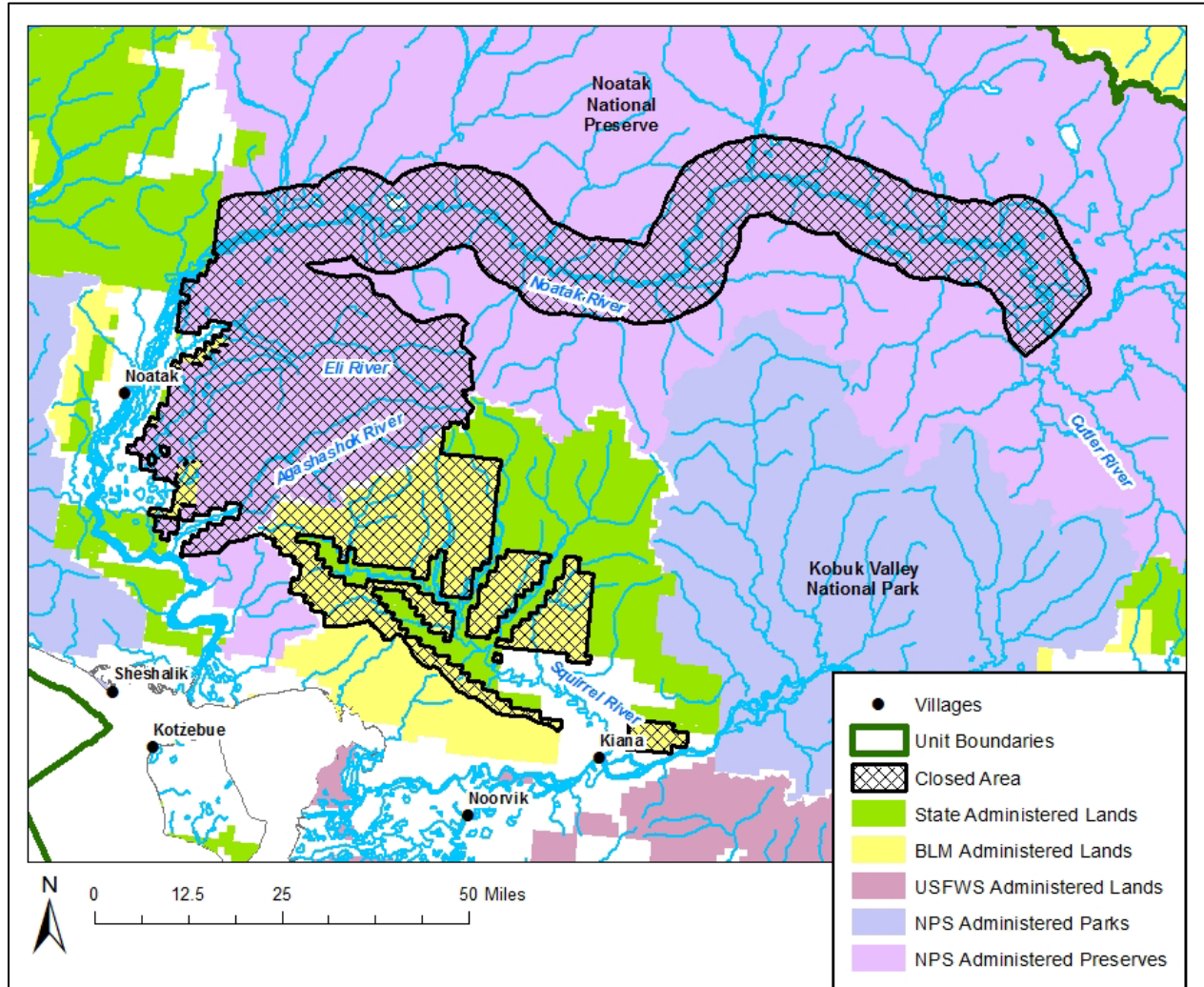
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### 1. Where does the 2017-18 Federal closure apply?

The Federal Subsistence Board has enacted a temporary closure for a limited area of Unit 23. The closed area covers Federal public lands within the Squirrel, Eli, and Agashashok (Aggie) River drainages, and within a 10 mile wide corridor (5 miles either side) along the Noatak River from the western boundary of Noatak National Preserve upstream to the confluence with the Cutler River. The closure restricts caribou hunting by non-Federally qualified users, but allows subsistence hunting by Federally qualified subsistence users for the July 1, 2017 – June 30, 2018 regulatory year.

The closure area is shown in the map below with a black outline and black crosshatching lines.



## 2. Who is eligible to hunt caribou on federal public lands in Unit 23?

Beginning July 1, 2017, ONLY “Federally qualified users” are eligible to hunt caribou on Federal public lands in the closure area. “Federally qualified users” are rural residents who have been determined by the Federal Subsistence Board to have a customary and traditional use of caribou in Unit 23 (see #3 for more information).

Other Federal public lands in Unit 23 outside the closure area are open to caribou hunting as they would generally be under State hunting regulations; however, National Park Service lands have additional restrictions on eligibility to hunt on Cape Krusenstern National Monument, Kobuk Valley National Park and Gates of the Arctic National Park (see #3 below for more information).

## 3. Who is a “Federally qualified user” for caribou in Unit 23?

You must have your primary, permanent place of residence in one of the following units or communities to be a “Federally qualified user” eligible to hunt caribou on Federal public lands in the closure area in Unit 23:

| Eligible Game Management Units                                                                                            | This includes but is not limited to these communities:                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Unit 21D (west of the Koyukuk and Yukon Rivers and Galena)                                                                | Galena, Kaltag, Koyukuk, and Nulato                                                                                                                                                   |
| Unit 22                                                                                                                   | Brevig Mission, Council, Elim, Gambell, Golovin, Koyuk, Little Diomed, Nome, Saint Michael, Savoonga, Shaktoolik, Shishmaref, Stebbins, Teller, Unalakleet, Wales, and White Mountain |
| Unit 23                                                                                                                   | Ambler, Buckland, Deering, Kiana, Kivalina, Kobuk, Kotzebue, Noatak, Noorvik, Point Hope, Selawik, and Shungnak                                                                       |
| Unit 24 (including residents of Wiseman but not including other residents of the Dalton Highway Corridor Management Area) | Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Hughes, Huslia, Wiseman                                                                                                       |
| Unit 26A                                                                                                                  | Atkasuk, Barrow, Nuiqsut, Point Lay, and Wainwright                                                                                                                                   |

Anyone permanently residing in a Game Management Unit NOT on this list, including areas such as Anchorage, Fairbanks, Mat-Su Valley, Kenai, etc., is a “non-Federally qualified user” and is NOT eligible to hunt caribou on Federal public lands in the closure area during 2017-18. This includes former residents (both Alaska Native and non-Native) of the units listed above, even if they grew up in those units. Non-Federally qualified users may still hunt caribou in Unit 23 on some Federal public lands outside the closure area (see NPS info below), and on State-managed lands and private lands.

IMPORTANT NOTE: The National Park Service has additional restrictions on who can hunt for any species in Cape Krusenstern National Monument, Kobuk Valley National Park, and Gates of the Arctic National Park. These areas are open ONLY to subsistence hunters who reside in “resident zone communities.” For Cape Krusenstern National Monument and Kobuk Valley National Park, “resident zone communities” include all communities within the NANA region. For Gates of the Arctic National Park, “resident zone communities” include the communities of Ambler, Kobuk, Shungnak, Anaktuvuk Pass, Nuiqsut, Wiseman, Bettles/Evansville, Alatna, Allakaket, and Hughes.

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#### 4. What are "Federal public lands?"

This closure applies to "Federal public lands" within the closure area described in #1. Under Federal law, Federal public lands in the closure area include all Federal land, and **all waters** within and adjacent to the external boundaries of Noatak National Preserve. On Bureau of Land Management (BLM) lands, the closure applies to BLM lands and to non-navigable waters adjacent to BLM lands. Please see the map on page 2 for general location of Federal public lands in the closure area; contact the respective land manager for information about specific areas.

#### 5. How long will this closure be in effect?

Unless rescinded earlier, this closure of caribou hunting to non-Federally qualified users is in effect for one regulatory year beginning July 1, 2017 through June 30, 2018.

#### 6. If I am NOT eligible to hunt caribou, can I help someone who is eligible?

If you are not eligible to hunt caribou, you can be present but CANNOT participate in the taking of caribou on Federal public lands in the closure area. Once the take is complete, you may assist the hunter with the cleaning, salvage, or processing of a legally harvested animal. Please see the definitions section at the end of this fact sheet for the definition of "taking" or consult with the appropriate Federal land manager.

#### 7. If I'm eligible to hunt, can I send or give caribou to people not eligible to hunt?

Yes. You can share legally taken caribou with whoever you want.

#### 8. Can a non-Federally qualified user take caribou from a boat or while caribou are swimming?

A non-Federally qualified user CANNOT take caribou in or from the water in closed portions of Noatak National Preserve, where rivers and water bodies are subject to Federal subsistence regulations (see #4). These waters are considered "Federal public lands" and are closed to the taking of caribou beginning July 1, 2017 by non-Federally qualified users.

The regulations are different for Bureau of Land Management (BLM) lands. The closure applies to BLM lands and to non-navigable waters adjacent to BLM lands. In areas generally under BLM management, such as the Squirrel River drainage, rivers or water bodies adjacent to lands owned or selected by the State of Alaska or Alaska Native corporations or other private lands are not subject to this closure. This includes much of the lower Squirrel River corridor. This means that non-Federally qualified users are not prohibited from hunting swimming caribou in waters adjacent to State or Alaska Native corporation lands in the Squirrel River area, if they otherwise would be allowed to do so. Please contact BLM for more details.

#### 9. Can a non-Federally qualified user take caribou on gravel bars along navigable waters below the "ordinary high water mark" when the adjacent uplands are Federal public lands?

When the adjacent uplands are Federal public lands, the strip of land—often a gravel or mud bar—between the edge of a river and the "ordinary high water mark" is open in some areas to caribou

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hunting by non-Federally qualified users. For the 2017-18 closure area, non-Federally qualified users are allowed to hunt caribou between the edge of a river and the ordinary high water mark along navigable waters in Noatak National Preserve and on BLM lands.

PLEASE NOTE: While non-Federally qualified users are allowed to hunt caribou between the edge of a river and the ordinary high water mark, both the hunter AND the caribou must be *above* the actual water line but *below* the mean high water mark for the harvest to be legal. **Hunters are strongly urged to use caution and extremely good judgment if hunting in this narrow strip of land to avoid the risk of violating the law.**

#### 10. How do I know where the "ordinary high water mark" is?

In the field, the "ordinary high water mark" generally means where vegetation starts along a water body. The technical definition of ordinary high water mark is defined at the end of this fact sheet.

#### 11. Can a non-Federally qualified user who legally takes a caribou below the ordinary high water mark bring their game back to a camp on Federal public lands above the ordinary high water mark?

Yes, but the hunter should have proof that the caribou was taken below the ordinary high water mark. A cell phone photo of the kill site is one way to do this.

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The **ordinary high water mark** on a non-tidal river is the line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impression on the bank; shelving; changes in the character of soil; destruction of terrestrial vegetation; the presence of litter and debris; or other appropriate means that consider the characteristics of the surrounding areas [from 33 CFR 329.11(a)(1)].





## MEMORANDUM

TO: Anthony Christianson, Chair  
Federal Subsistence Board

DATE: May 20, 2020

PHONE: 267-2190

FROM: Ben Mulligan *BJM*  
Deputy Commissioner

SUBJECT: Wildlife Special  
Actions 01, 02, & 03

The Alaska Department of Fish and Game (ADF&G) has reviewed Wildlife Special Actions WSA20-01, WSA20-02, WSA20-03. Temporary Special Action Request WSA20-01, submitted by William Amburg, requests a continuous caribou season in Unit 13 from Aug. 1-Mar. 31, and that the caribou harvest limit in Unit 13 remainder be changed to two caribou for the 2020/21 and 2021/22 seasons. Temporary Special Action Request WSA20-02, submitted by the Ahtna Intertribal Resource Commission, requests the development of a community harvest system for moose and caribou in Units 11, 12, and 13. Given the Board's recent action on Wildlife Proposal WP18-19, only the Unit 12 requests will be considered in the analysis for this special action. Temporary Special Action Request WSA20-03, submitted by Kirk Wilson, requests that the Board close Federal public lands in Unit 13 to the harvest of moose and caribou except for Federally qualified subsistence users for the 2020/21 season.

The State of Alaska, Department of Fish and Game (ADF&G) appreciates the opportunity to provide comments on these Special Action requests.

### Background

#### **Caribou**

ADF&G maintains the Nelchina caribou herd with the objective of 35,000–40,000 animals remaining in the herd after the fall hunting season. The strategy behind this objective is to maintain the herd below carrying capacity to prevent overgrazing of summer or winter range and allow for a relatively stable level of harvest annually. Caribou herds typically display cyclical patterns of growing population abundance, when significant numbers of caribou may be harvested, but if population growth is not curbed then populations will go into an inevitable decline after the herd exceeds the carrying capacity of its range. These precipitous declines are often followed by extended periods of little or no harvest to allow a herd to recover to a level where sustainable harvest may be allowed. Nelchina caribou herd management is an approach

that has been in place since the mid-1990s with the intent of reducing the extent to which the herd abundance fluctuates, thus allowing harvest annually and avoiding prolonged periods of little or no harvest.

The mild winters and productive summers of 2014, 2015, and 2016 resulted in high productivity within the Nelchina herd and population abundance increased steadily. A significant increase in harvest was necessary to stop population growth and reduce caribou abundance to within population objectives before herd grazing resulted in negative effects on nutritional availability on the herd's range.

Fall abundance estimates are used to predict abundance for the following summer, and the appropriate number of draw permits are issued in February for the following hunting season. The department increased the number of draw permits for RY16, which was the only regulatory option to increase caribou harvest for the Nelchina caribou herd at that time. Public outreach efforts were utilized to encourage harvest; overall harvest (state and federal combined) increased from 4,169 caribou in RY15 to 6,296 caribou in RY16. This was a period of overabundance, and this level of harvest should not be expected annually for Nelchina caribou hunters. Despite this high level of harvest, herd abundance remained well above population objectives after both the fall and winter hunts and remained at its previous level in 2017 (the herd was not reduced). The maximum number of draw permits were issued for RY17 and 4,890 caribou were harvested. Following the fall hunt, Nelchina caribou abundance remained above population objectives by more than 1,400 animals. Given this information, the maximum number of draw permits were issued for RY18.

Over the winter of 2017/2018, adult mortality was higher than predicted and calf recruitment was lower than average. Additionally, in the spring of 2018 the Nelchina herd displayed lower parturition rates than it had in previous years. These factors, including the 2018 calf crop being lower than in recent years, resulted in an abundance estimate for the summer of 2018 that was above the lower end of the population objectives. The reduction in abundance in 2018 was a natural fluctuation that, while not predictable in terms of precise timing, was expected if herd abundance remained above objectives. Had harvest been reduced in RY15, RY16, or RY17, the natural reduction in Nelchina caribou abundance in 2018 may have been much more drastic than observed. The herd has returned to a more manageable size just below or within population objectives, and permit numbers and harvest levels will return to more typical levels. Regardless, the number of draw permits issued in a given year does not affect actual harvest, as draw hunts are regulated with quotas in years such as 2018, when draw permits were issued in February according to the fall abundance estimate, and an accumulation of natural events resulted in a lower than predicted abundance estimate in the following summer.

With the reduction of the herd in 2018, an overall quota of 5% of the herd (1,800 animals) was set to utilize harvestable surplus while still allowing for herd growth. Predicting a federal harvest of 400 animals and a CC001 harvest of 150 bulls, quotas were set for the remaining hunts as: 500 bulls for RC561, 500 bulls for RC562, and 250 bulls for DC485 (Table 1).

The Unit 13 federal caribou season FC1302 opened on August 1, 2018 with no competition from state hunters. CC001 (838 permits) opened on August 10<sup>th</sup> and remained open until September 20<sup>th</sup>. Only 376 CC001 hunters have reported hunting in RY18. RC561 opened on August 10<sup>th</sup> as well, but the quota was achieved, and the hunt was closed by emergency order on August 18<sup>th</sup>. Less than 1,800 RC561 hunters hunted Unit 13 over this time period. DC485 opened on August 20<sup>th</sup>; the quota was met, and the hunt was closed by emergency order on August 26<sup>th</sup>; 1,223 DC485 hunters hunted in Unit 13 over this time period. Only federal hunters and CC001 hunters

were in the field from August 27<sup>th</sup> until September 1<sup>st</sup> when RC562 opened. The quota for RC562 was reached at the close of the regularly scheduled season on September 20<sup>th</sup>; 2,080 RC562 hunters hunted Unit 13 over this time period. Only federal hunters remained in the field from September 21<sup>st</sup> until the fall season closed on September 30<sup>th</sup>. CC001 was the only state hunt to reopen for the winter season on October 21<sup>st</sup> when the federal season also reopened. State hunts, however, were limited to bulls only while the federal hunts remained either sex. Both hunts remained open until March 31<sup>st</sup>. Caribou migrated across federal lands in Unit 13 in late October and early November in 2018. Only 63 caribou were harvested by CC001 hunters during the winter season. A total of 260 caribou were harvested by non-subsistence users in RY18. One-thousand-five-hundred eighty-five caribou were harvested by subsistence users, and 19% of the total harvest of Nelchina caribou was taken on FC1302 permits. The Amount Necessary for Subsistence (ANS) for caribou in Unit 13 is 600–1,000

**Table 1.** Unit 13 caribou hunt structure, RY18.

| Hunt   | Bag Limit   | Permits | Quota | Predicted Harvest | Days Open | Hunted | Actual Harvest |
|--------|-------------|---------|-------|-------------------|-----------|--------|----------------|
| RC561  | Bull Only   | 4,586   | 500   | 500               | 9         | 1,795  | 530            |
| RC562  | Bull Only   | 4,181   | 500   | 500               | 20        | 2,080  | 528            |
| CC001  | Bull Only   | 838     | 400   | 150               | 204       | 376*   | 167            |
| DC485  | Bull Only   | 5,000   | 250   | 250               | 7         | 1,223  | 260            |
| FC1302 | Bull or Cow | 3,082   | -     | 400               | 223       | TBD*   | 360            |
|        |             | 17,687  |       | 1,800             |           | >5,474 | 1,845          |

\*Total number of hunters for RY18 has not been finalized; reports as of 5/21/19

For RY19, Nelchina caribou grouped-up in large photographable aggregations and the herd had very high productivity. The federal caribou season opened August 1<sup>st</sup> and closed on September 30<sup>th</sup>. The new youth caribou hunt (YC495; 200 permits) opened on August 1<sup>st</sup> – closing on August 5<sup>th</sup>. No state hunters were in the field from August 6<sup>th</sup> through the 9<sup>th</sup>. On August 10<sup>th</sup> CC001 opened (810 permits), as well as RC561 (2,790 permits). RC561 closed on August 31<sup>st</sup> and RC562 opened on September 1<sup>st</sup> (2,884 permits). DC485 opened on August 29<sup>th</sup> (399 permits). This hunt structure resulted in significantly less caribou hunters in Unit 13 at any given time, compared to the previous seven seasons. Due to slow harvest rates for both state and federal hunters, additional opportunity for state permits was created for September 21<sup>st</sup> through September 30<sup>th</sup>. This allowed federal hunters holding state permits to continue to hunt on state lands in addition to federal lands during this period. Caribou migrated across the Richardson Highway and largely out of Unit 13 during the season closure of October 1<sup>st</sup> through October 20<sup>th</sup>. Harvestable surplus for RY19 was not harvested during the fall season, and all regularly scheduled caribou seasons reopened on October 21<sup>st</sup> and closed on March 31<sup>st</sup>.

## Moose

Following the standard moose hunt structure for Unit 13, the federal season for RY19 opened on August 1<sup>st</sup> and closed on September 20<sup>th</sup>. No other moose hunters were in the field from August 1<sup>st</sup> until CM300 opened on August 20<sup>th</sup>. There were 2,140 CM300 permits for RY19, but in RY18 only 662 CM300 hunters actually hunted out of 2,331 permits issued. On September 1<sup>st</sup>, the state general moose season opened, as did DM324 (5 permits) and DM335–DM339 (115 permits combined). All moose hunts closed on September 20<sup>th</sup>.

## Management Strategies

The Amount Necessary for Subsistence (ANS) for caribou in Unit 13 is 600–1,000 and the ANS for moose in Unit 13 is 300–600. Harvestable surplus and harvest for both caribou and moose in Unit 13 were well above the ANS in RY18 with 1,845 caribou and at least 790 moose harvested. Total moose harvest for RY18 in Unit 13 has not been finalized, as harvest data continues to be coded for GM000. Federal permit holders harvesting caribou in Unit 13 where caribou are available on federal subsistence hunt areas annually harvest 7%–19% of the total Nelchina caribou harvest (most recent five-year average = 11%). Federal permit holders harvesting moose on federal lands in Unit 13 account for 8%–10% of the total moose harvest in Unit 13 (most recent five-year average = 9%).

Federal hunt data does not support the interpretation that the number of state hunters in the field negatively impacts either moose or caribou hunt success on federal permits in Unit 13. In RY10–RY13 the average number of annual state moose hunters in Unit 13 was 4,602 (Table 2). This average increased to 5,190 state moose hunters for RY14–RY17. Federal permit success during those time periods actually increased from a four-year average of 5% to a four-year average of 7%; federal hunt success increased from a four-year average of 10% to 13%; federal catch per unit effort (CPUE 100dy) also increased from a four-year average of 1.53 moose per 100 days of effort to a four-year average of 2.15 moose per 100 days of effort. In RY18 the number of state moose hunters in Unit 13 dropped to 4,553, but federal moose permit success also dropped to 4%, federal hunt success dropped to 10%, and federal CPUE dropped to 1.7 moose per 100 days.

Table 2. Unit 13 Federal Moose Harvest and State Moose Hunter Numbers

| RY   | FM1301 Harvest | FM1301 Permits | FM1301 Hunted | Permit Success | Hunt Success | State Hunters | Total Unit 13 Harvest | % Harvest on FM1301 Permits | FM1301 CPUE (100dy) |
|------|----------------|----------------|---------------|----------------|--------------|---------------|-----------------------|-----------------------------|---------------------|
| 2010 | 77             | 1,172          | 669           | 7%             | 12%          | 4,239         | 777                   | 10%                         | 1.4                 |
| 2011 | 80             | 1,327          | 680           | 6%             | 12%          | 4,156         | 826                   | 10%                         | 1.8                 |
| 2012 | 59             | 1,292          | 645           | 5%             | 9%           | 4,896         | 625                   | 9%                          | 1.4                 |
| 2013 | 50             | 1,205          | 535           | 4%             | 9%           | 5,116         | 624                   | 8%                          | 1.5                 |
| 2014 | 86             | 1,313          | 656           | 7%             | 13%          | 4,649         | 845                   | 10%                         | 2.1                 |
| 2015 | 85             | 1,330          | 699           | 6%             | 12%          | 5,039         | 966                   | 9%                          | 2                   |
| 2016 | 99             | 1,385          | 685           | 7%             | 14%          | 5,866         | 983                   | 10%                         | 2.3                 |
| 2017 | 90             | 1,399          | 686           | 6%             | 13%          | 5,208         | 905                   | 10%                         | 2.2                 |
| 2018 | 61             | 1,357          | 631           | 4%             | 10%          | 4,553*        | 790*                  | 8%                          | 1.7                 |

\*Total number of GM000 hunters and harvest for RY18 in Unit 13 has not been finalized; reports as of 5/21/2019

Similarly, for RY10–RY13 the four-year average for number of state caribou hunters in Unit 13 was 4,849 (Table 3). This four-year average increased to 7,214 state caribou hunters for RY14–RY17. Permit success during those time periods remained stable with four-year averages of 14% for both time periods; hunt success remained stable with four-year averages of 28% for both time periods; catch per unit effort (CPUE 100dy) decreased slightly from a four-year average of 4.80 caribou per 100 days of effort to a four-year average of 4.62 caribou per 100 days of effort. In RY18 the total number of state caribou hunters dropped to roughly 5,474 hunters; while federal reporting is not complete at this time to provide hunt success or CPUE for RY18, the overall permit success actually dropped to 11% with the decrease of state hunters in the field. Federal hunt success for caribou is likely impacted more by the timing of caribou migration across federal lands than by the number of state hunters in the field.



Table 3. Unit 13 Federal Caribou Harvest and State Caribou Hunter Numbers

| FC1302 |              |              |             |              |               |         |                |                |              |      |               |               |
|--------|--------------|--------------|-------------|--------------|---------------|---------|----------------|----------------|--------------|------|---------------|---------------|
| RY     | Bull Harvest | % of Harvest | Cow Harvest | % of Harvest | Total Harvest | Permits | Permit Success | Permits Hunted | Hunt Success | CPUE | State Permits | State Hunters |
| 2010   | 316          | 70%          | 130         | 29%          | 452           | 2,852   | 16%            | 1,536          | 29%          | 5.1  | 4,755         | 3,279         |
| 2011   | 281          | 71%          | 113         | 29%          | 395           | 2,980   | 13%            | 1,425          | 28%          | 4.8  | 4,598         | 3,260         |
| 2012   | 326          | 61%          | 203         | 38%          | 537           | 2,953   | 18%            | 1,518          | 35%          | 6    | 8,449         | 6,198         |
| 2013   | 210          | 75%          | 68          | 24%          | 279           | 2,781   | 10%            | 1,305          | 21%          | 3.3  | 12,567        | 6,654         |
| 2014   | 177          | 75%          | 59          | 25%          | 237           | 2,943   | 8%             | 1,395          | 17%          | 2.6  | 7,164         | 4,718         |
| 2015   | 444          | 75%          | 147         | 25%          | 595           | 3,064   | 19%            | 1,562          | 38%          | 6.9  | 8,895         | 5,735         |
| 2016   | 299          | 61%          | 192         | 39%          | 491           | 3,158   | 16%            | 1,532          | 32%          | 5.4  | 14,475        | 9,649         |
| 2017   | 207          | 58%          | 145         | 41%          | 354           | 3,071   | 12%            | 1,517          | 23%          | 3.6  | 14,446        | 8,754         |
| 2018   | 220          | 63%          | 129         | 37%          | 352           | 3,082   | 11%            | -              | -            | -    | 14,605        | 5,474         |
| 2019   | -            | -            | -           | -            | -             | -       | -              | -              | -            | -    | 7,083         | -             |

Federally qualified subsistence hunters wishing to harvest moose and caribou in Unit 13 can and do participate in subsistence and general season hunts for moose or caribou offered by the State of Alaska, which allow these hunters to access wildlife resources on all public lands in Unit 13. Federally qualified subsistence caribou hunters in Unit 13 may choose to hunt state lands in addition to federal lands by participating in Tier I registration hunts (RC561 or RC562) or the Community Subsistence Harvest opportunity (CC001). Federally qualified subsistence moose hunters in Unit 13 may choose to hunt state lands in addition to federal lands by participating in the general season moose hunt (GM000) or the Community Subsistence Harvest opportunity (CM300).

While no hunting-related accidents have been reported in Unit 13 to substantiate a public safety concern related to excessive hunting pressure on Unit 13 federal lands at large, questionable hunting practices do create a public safety concern when caribou are migrating across the Richardson Highway in late fall or early winter. This public safety concern is most often a result of traffic jams caused by hunters walking on and/or parking on the pavement of the Richardson Highway in narrow and dangerous sections of the road in an attempt to harvest caribou that have just been witnessed crossing the road. This situation occurs every year when caribou cross during open hunting seasons, even during times when state hunts are closed and only federal hunters have the opportunity to harvest animals during the migration across the highway. This public safety concern is a realistic argument presented in WSA19-03, but this concern would not be addressed by eliminating state hunters from hunting on federal lands. If this public safety concern is to be addressed, the most effective way to do so would be to consider a corridor along the Richardson Highway in which all hunting is prohibited within a given distance from the centerline of the highway.

### **Position**

Harvestable surplus and harvest levels for both moose and caribou in Units 12 & 13 are well above ANS. The Nelchina caribou herd in RY19 returned to an overabundance that necessitated increased harvest. Surveys will be conducted in June and July 2020 to ascertain current productivity and abundance for the Nelchina caribou herd. There is no conservation concern at this time. WSA20-01 seeks to open the caribou season during the rut, a time when many consider the meat of bull caribou to be unpalatable. ADF&G is Opposed on that aspect of the proposal. Most caribou herds in Alaska are

managed with a break during the rut to allow time for uninterrupted breeding and to discourage the potential take of unpalatable meat. The proposal also seeks to change the bag limit from 2 caribou, sex to be announced by the federal manager to just two caribou. ADF&G sees no justification for diminishing the manager's discretion in this way, but annual bag limits and in-season changes should be set in consultation with state wildlife managers.

WSA20-02 seeks to establish a community harvest system for moose and caribou similar to the action taken by the Federal Subsistence Board under WP18-19. ADF&G does not take a position on administration procedures for federal hunts.

WSA20-03 seeks to close federal public lands to moose and caribou hunting except for federally qualified users. There is no evidence that hunting pressure has displaced moose or caribou from traditional migration corridors. The data indicate that restricting federal lands to federally qualified hunters is not likely to impact hunt success for federally qualified hunters. The action proposed in WSA20-03 action will not address the perceived public safety concern on federal lands during the caribou hunting season particularly along the Richardson Hwy.

Cc: Eddie Grasser, Director, Division of Wildlife Conservation  
Lisa Olson, Operations Manager, Subsistence Section  
Cheryl Brooking, Assistant Attorney General, Department of Law  
George Pappas, State Liaison, Office of Subsistence Management





THE STATE  
of **ALASKA**  
GOVERNOR MICHAEL J. DUNLEAVY

## Department of Fish and Game

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# MEMORANDUM

TO: Anthony Christensen, Chair,  
Federal Subsistence Board

DATE: May 31, 2019

PHONE: 267-2190

FROM: Ben Mulligan *BSM*  
Deputy Commissioner

SUBJECT: Wildlife Special Action  
Request 19-03

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The Alaska Department of Fish and Game (ADF&G) appreciates the opportunity to provide comments on the Special Action request WSA19-03 regarding user access to federal public lands in GMU13 for moose and caribou hunting in regulatory year 2019.

### Caribou

ADF&G manages the Nelchina caribou herd with the objective of 35,000–40,000 caribou after the fall hunting season. The strategy behind this objective is to maintain the herd below carrying capacity to prevent overgrazing of summer or winter range and allow for a relatively stable level of harvest annually. Caribou herds typically display cyclical patterns of increasing and declining population abundance. When populations are above management objectives significant numbers of caribou may be harvested, but if population growth is not curbed the populations will inevitably decline after the herd exceeds the carrying capacity of its range. These precipitous declines are often followed by extended periods of little or no harvest to allow a herd to recover to a level where sustainable harvest may be allowed. The current Nelchina caribou herd management strategy has been in place since the mid-1990s with the intent of reducing the extent to which the herd abundance fluctuates. This approach allows for annual harvest and predictability for hunters without prolonged periods of little or no harvest.

The mild winters and productive summers of 2014, 2015, and 2016 resulted in high productivity within the Nelchina herd and population abundance increased steadily. A significant increase in harvest was necessary to stop population growth and reduce caribou abundance to within

population objectives before herd grazing resulted in negative effects on forage nutritional availability on the herd's range.

Fall population estimates are used to predict abundance for the following summer, and the appropriate number of draw permits are issued in February for the following hunting season (regulatory year, July 1-June 30). The department increased the number of draw permits for RY16, which was the only regulatory option to increase caribou harvest for the Nelchina caribou herd at that time. Public outreach efforts were utilized to encourage harvest; overall harvest (state and federal combined) increased from 4,169 caribou in RY15 to 6,296 caribou in RY16. This was a period of overabundance when herd size reduction was desired. This level of harvest should not be expected annually for Nelchina caribou hunters. Despite increased harvest in RY16 herd abundance remained well above population objectives after both the fall and winter hunts and remained at its previous level in 2017 (the herd was not reduced). The maximum number of draw permits were issued for RY17 and 4,890 caribou were harvested. Following the fall hunt, Nelchina caribou abundance remained above population objectives by more than 1,400 animals. Given this information, the maximum number of draw permits were issued for RY18.

Over the winter of 2017/2018, adult mortality was higher than predicted and calf recruitment was lower than average. Additionally, in the spring of 2018 the Nelchina herd displayed lower parturition rates than it had in previous years. These factors, including the 2018 calf crop being lower than in recent years, resulted in an abundance estimate for the summer of 2018 that was lower but still above the lower end of the population objectives. The reduction in abundance in 2018 was a natural fluctuation that, while not predictable in terms of precise timing, was expected if herd abundance remained above objectives. Had harvest been reduced in RY15, RY16, or RY17, the natural reduction in Nelchina caribou abundance in 2018 may have been much more drastic than observed because of limited forage resources. The herd has returned to a more manageable size within population objectives and permit numbers and harvest levels will return to more typical levels.

With the reduction of the herd in 2018, an overall quota of 5% of the herd (1,800 animals) was set to utilize harvestable surplus while still allowing for herd growth. Predicting a federal harvest of 400 animals and a CC001 harvest of 150 bulls, quotas were set for the remaining hunts as follows (Table 1):

- 500 bulls for RC561
- 500 bulls for RC562
- 250 bulls for DC485

The Unit 13 federal caribou season FC1302 opened on August 1, 2018 with no competition from state hunters. CC001 (838 permits) opened on August 10<sup>th</sup> and remained open until September 20<sup>th</sup>. To date, only 376 CC001 hunters have reported hunting in RY18. RC561 opened on August 10<sup>th</sup> as well, but the quota was achieved, and the hunt was closed by emergency order on August 18<sup>th</sup>. Less than 1,800 RC561 hunters hunted Unit 13 over this time period. DC485 opened on August 20<sup>th</sup>; the quota was met, and the hunt was closed by emergency order on August 26<sup>th</sup>; 1,223 DC485 hunters hunted in Unit 13 over this time period. Only federal hunters and CC001 hunters were in the field from August 27<sup>th</sup> until September 1<sup>st</sup> when RC562 opened. The quota for RC562 was reached at the close of the regularly scheduled season on September 20<sup>th</sup>; 2,080 RC562 hunters hunted Unit 13 over this time period. Only federal hunters remained in the field from September 21<sup>st</sup> until the fall season closed on September 30<sup>th</sup>. CC001 was the only state hunt to reopen for the winter season on October 21<sup>st</sup> when the federal season also reopened. State



hunts, however, were limited to bulls only while the federal hunts remained either sex. Both hunts remained open until March 31<sup>st</sup>. Caribou migrated across federal lands in Unit 13 in late October and early November in 2018. Only 63 caribou were harvested by CC001 hunters during the winter season. A total of 260 caribou were harvested by non-subsistence users in RY18. Subsistence users took 1,585 caribou, and 19% of the total harvest of Nelchina caribou was taken on FC1302 permits.

**Table 1.** Unit 13 caribou hunt structure, RY18.

| Hunt   | Bag Limit   | Permits | Quota | Predicted Harvest | Days Open | Hunted | Actual Harvest |
|--------|-------------|---------|-------|-------------------|-----------|--------|----------------|
| RC561  | Bull Only   | 4,586   | 500   | 500               | 9         | 1,795  | 530            |
| RC562  | Bull Only   | 4,181   | 500   | 500               | 20        | 2,080  | 528            |
| CC001  | Bull Only   | 838     | 400   | 150               | 204       | 376*   | 167            |
| DC485  | Bull Only   | 5,000   | 250   | 250               | 7         | 1,223  | 260            |
| FC1302 | Bull or Cow | 3,082   | -     | 400               | 223       | TBD*   | 360            |
|        |             | 17,687  |       | 1,800             |           | >5,474 | 1,845          |

\*Total number of hunters for RY18 has not been finalized; reports as of 5/21/19

For RY19 the federal caribou season will open August 1<sup>st</sup> and close on September 30<sup>th</sup>. The new youth caribou hunt (YC495; 200 permits) will also open on August 1<sup>st</sup> – closing on August 5<sup>th</sup>. No state hunters will be in the field from August 6<sup>th</sup> through the 9<sup>th</sup>, nor from September 21<sup>st</sup> through September 30<sup>th</sup>, when only federal hunters will be in the field. On August 10<sup>th</sup> CC001 will open (810 permits), as well as RC561 (2,790 permits). RC561 will close on August 31<sup>st</sup> and RC562 will open on September 1<sup>st</sup> (2,884 permits). DC485 will open on August 29<sup>th</sup> (399 permits). This hunt structure will result in significantly less caribou hunters in Unit 13 at any given time, compared to the previous seven seasons. Harvestable surplus for RY19 is expected to be similar to the harvestable surplus in RY18, and it is likely that CC001 will be the only state hunt to reopen for the winter season on October 21<sup>st</sup>.

## Moose

Following the standard moose hunt structure for Unit 13, the federal season for RY19 will open on August 1<sup>st</sup> and will close on September 20<sup>th</sup>. No other moose hunters will be in the field from August 1<sup>st</sup> until CM300 opens on August 20<sup>th</sup>. There are 2,140 CM300 permits for RY19, but in RY18 only 662 CM300 hunters actually hunted out of 2,331 permits issued. On September 1<sup>st</sup> the state general moose season will open, as will DM324 (5 permits) and DM335–DM339 (115 permits combined). All moose hunts will close on September 20<sup>th</sup>.

## Management Strategies

Federally qualified subsistence hunters wishing to harvest moose and caribou in Unit 13 can and do participate in subsistence and general season hunts for moose and caribou offered by the State of Alaska, which allow these hunters to access wildlife resources on all public lands in Unit 13. Federally qualified subsistence caribou hunters in Unit 13 may choose to hunt state lands in addition to federal lands by participating in Tier I registration hunts (RC561 or RC562) or the

Community Subsistence Harvest opportunity (CC001). Federally qualified subsistence moose hunters in Unit 13 may choose to hunt state lands in addition to federal lands by participating in the general season moose hunt (GM000) or the Community Subsistence Harvest opportunity (CM300).

The Amount Necessary for Subsistence (ANS) for caribou in Unit 13 is 600–1,000 and the ANS for moose in Unit 13 is 300–600. Harvestable surplus and harvest for both caribou and moose in Unit 13 were well above the ANS in RY18 with 1,845 caribou and at least 790 moose harvested. Total moose harvest for RY18 in Unit 13 has not been finalized, as harvest data continues to be coded for GM000. Federal permit holders harvesting caribou in Unit 13 where caribou are available on federal subsistence hunt areas annually harvest 7%–19% of the total Nelchina caribou harvest (most recent five-year average = 11%). Federal permit holders harvesting moose on federal lands in Unit 13 account for 8%–10% of the total moose harvest in Unit 13 (most recent five-year average = 9%).

Federal hunt data does not support the interpretation that the number of state hunters in the field negatively impacts either moose or caribou hunt success on federal permits in Unit 13. In RY10–RY13 the average number of annual state moose hunters in Unit 13 was 4,602 (Table 2). This average increased to 5,190 state moose hunters for RY14–RY17. Federal permit success during those time periods actually increased from a four-year average of 5% to a four-year average of 7%; federal hunt success increased from a four-year average of 10% to 13%; federal catch per unit effort (CPUE 100dy) also increased from a four-year average of 1.53 moose per 100 days of effort to a four-year average of 2.15 moose per 100 days of effort. In RY18 the number of state moose hunters in Unit 13 dropped to 4,553, but for all federal moose permits issued success also dropped to 4%, of those federal permits hunted success dropped to 10%, and federal CPUE dropped to 1.7 moose per 100 days of effort.

**Table 2.** Unit 13 Federal Moose Harvest and State Moose Hunter Numbers

| RY   | FM1301<br>Harvest | FM1301<br>Permits | FM1301<br>Hunted | Permit<br>Success | Hunt<br>Success | State<br>Hunters | Total<br>Unit 13<br>Harvest | % Harvest<br>on FM1301<br>Permits | FM1301<br>CPUE<br>(100dy) |
|------|-------------------|-------------------|------------------|-------------------|-----------------|------------------|-----------------------------|-----------------------------------|---------------------------|
| 2010 | 77                | 1,172             | 669              | 7%                | 12%             | 4,239            | 777                         | 10%                               | 1.4                       |
| 2011 | 80                | 1,327             | 680              | 6%                | 12%             | 4,156            | 826                         | 10%                               | 1.8                       |
| 2012 | 59                | 1,292             | 645              | 5%                | 9%              | 4,896            | 625                         | 9%                                | 1.4                       |
| 2013 | 50                | 1,205             | 535              | 4%                | 9%              | 5,116            | 624                         | 8%                                | 1.5                       |
| 2014 | 86                | 1,313             | 656              | 7%                | 13%             | 4,649            | 845                         | 10%                               | 2.1                       |
| 2015 | 85                | 1,330             | 699              | 6%                | 12%             | 5,039            | 966                         | 9%                                | 2                         |
| 2016 | 99                | 1,385             | 685              | 7%                | 14%             | 5,866            | 983                         | 10%                               | 2.3                       |
| 2017 | 90                | 1,399             | 686              | 6%                | 13%             | 5,208            | 905                         | 10%                               | 2.2                       |
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caribou per 100 days of effort to a four-year average of 4.62 caribou per 100 days of effort. In RY18 the total number of state caribou hunters dropped to roughly 5,474 hunters; while federal reporting is not complete at this time to provide hunt success or CPUE for RY18, the overall permit success actually dropped to 11% with the decrease of state hunters in the field. Federal hunt success for caribou is likely impacted more by the timing of caribou migration across federal lands than by the number of state hunters in the field.

cc: Eddie Grasser, Director, ADF&G, Division of Wildlife Conservation  
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